

PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
**42390P9889**First named inventor: **Stephen S. Ing**Application No.: **09/750,532**Art Unit: **2126**Filed: **December 28, 2000**Examiner: **Hoang, Phuong N.**Title: **A Pluggable Call Control Application Program Interface**

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

**RECEIVED****JUN 16 2004****OFFICE OF PETITIONS**NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$1330.00 (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of Office Action Response (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

**B. The issue fee of \$\_\_\_\_\_.**

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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06/25/2004

AKELLEY

01 FC:1453

PTO/SB/84 (08-03)

Approved for use 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

JUNE 8, 2004  
Date

  
Signature

Telephone  
Number: (408) 850-1229

Kenneth J. Cool  
Typed or printed name

12400 Wilshire Blvd., Seventh Floor  
Address

Los Angeles, California  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUNE 8, 2004  
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Type or printed name of person signing certificate

[Page 2 of 2]

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## FACSIMILE TRANSMITTAL SHEET (TRANSMITTAL TO PTO)

Deliver to: Mail Stop Petition

OFFICE OF PETITIONS

Firm Name: USPTOFax Number: 703-872-9306

Telephone No.: \_\_\_\_\_

From: Kenneth J. CoolDate: June 8, 2004 Time: \_\_\_\_\_Docket Due Date: June 6, 2004Operator: Krista Mathieson Matter: 042390.P9889Number of pages including cover sheet: 16In Re Patent Application of: Mark L. SkarpnessApplication No.: 09/750,532Filed: December 28, 2000For: "A Pluggable Call Control Application Interface"Enclosed are the following documents: Attached are the following:the Transmittal form, the Fee Transmittal Form (in duplicate), the Office Action  
Response and the Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b).CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date of Transmission June 8, 2004

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Krista Mathieson

(Signature of person transmitting paper)

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05/01/03

JUN 08 2004

Docket No.: P9889

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/750,532 Confirmation No. 6957  
Inventor : Stephen S. Ing  
Assignee : Intel Corporation  
Filed : Dec. 28, 2000  
Art Unit : 2126  
Examiner : HOANG, PHUONG N.  
Title : Pluggable Call Control Application Program Interface

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OFFICE OF PETITIONS

OFFICE ACTION RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the ~~Final~~ Office Action mailed September 26, 2003, reconsideration and further examination of the application is hereby requested. Kindly consider the following:

CERTIFICATE OF TRANSMISSION

I hereby certify that I am causing the above-referenced correspondence to be facsimile transmitted to the US Patent and Trademark Office on the date shown below:

June 8, 2004

Date of Transmission

Krista A. Mathieson

Name of Person Faxing Correspondence

Krista Mathieson

Signature

June 8, 2004

Date

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Appl. No.: 09/750,532

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**INTRODUCTORY COMMENTS**

**Request for an Extension of Time**

This Office Action Response is submitted in response to the Office Action dated September 26, 2003 for which the shortened statutory period for response was set to expire on December 26, 2003. This Office Action Response is being submitted concurrently with a Petition for Revival including authorization to charge any required fee. In the event any extension of time fee is required, or any other fee related to this Response is required, please consider this a request therefore. Authorization is hereby given to charge Deposit Account No. 50-0221 for such fee or fees.

**Authorization to Charge Deposit Account**

Authorization is hereby given to charge Deposit Account No. 50-0221 for any fee or fees related to this Office Action Response.

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**AMENDMENTS TO THE SPECIFICATION**

No amendment to the specification is submitted.

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AMENDMENTS TO THE CLAIMS

Listing of claims:

1. (Currently amended): A plugable call control application program interface, comprising:
- a base plugable call control application program interface to expose a common set of function calls, properties, and callbacks to be utilized by a plurality of call control protocols, wherein the call control protocols are Internet Protocol (IP) telephony call control protocols; and
  - an extended application program interface to provide at least one of advanced function calls, properties, and callbacks beyond the common set.
2. (Original): The plugable call control application program interface according to claim 1, further including:
- a platform isolation layer having a reduced set of basic system functionality to interact with the base plugable call control application program interface and the extended application program interface; and
  - a software application executing on a communications system that accesses the base plugable call control application program interface to initiate a communication utilizing one of the plurality of call control protocols.
3. (Original): The plugable call control application program interface according to claim 2, wherein the communications system is a computer system.
4. (Original): The plugable call control application program interface according to claim 2, wherein the communications system is an embedded system.
5. The plugable call control application program interface according to claim 1, wherein the plurality of call control protocols include at least one of an International

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Telecommunication Union (ITU) H.323 protocol, a Session Initiation Protocol (SIP), and a Media Gateway Control Protocol (MGCP).

6. (Canceled)

7. (Original): The plugable call control application program interface according to claim 1, wherein the plugable call control application program interface is an American National Standards Institute (ANSI) "C" application program interface.

8. (Original): The plugable call control application program interface according to claim 1, wherein the at least one of advanced function calls, properties, and callbacks provide additional protocol-specific functionality to at least one of the plurality of call control protocols.

9. (Original): The plugable call control application program interface according to claim 1, wherein the at least one advanced function calls, properties, and callbacks beyond the common set is accessed using the base plugable call control application program interface.

10. (Original): The plugable call control application program interface according to claim 1, wherein the extended application program interface provides protocol specific information along with base defined callbacks.

11. (Currently amended): A method of performing call control on a communications system, the method comprising:

providing a common set of function calls, properties, and callbacks to be utilized by a plurality of call control protocols, wherein the call control protocols are Internet Protocol (IP) telephony call control protocols;

providing at least one of advanced function calls, properties, and callbacks beyond the common set; and

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accessing the common set of function calls, properties, and callbacks to initiate a communication utilizing one of the plurality of call control protocols.

12. (Original): The method according to claim 11, further including:  
providing a reduced set of basic system functionality to interact with the common set of function calls, properties, and callbacks; and  
executing a software application on a communications system to access the common set of function calls, properties, and callbacks to initiate the communication utilizing one of the plurality of call control protocols.

13. (Original): The method according to claim 12, wherein the communications system is a computer system.

14. (Original): The method according to claim 12, wherein the communications system is an embedded system.

15. (Original): The method according to claim 11, wherein the plurality of call control protocols include at least one of an International Telecommunication Union (ITU) H.323 protocol, a Session Initiation Protocol (SIP), and a Media Gateway Control Protocol (MGCP).

16. (Canceled)

17. (Original): The method according to claim 11, further including providing with the at least one of advanced function calls, properties, and callbacks additional protocol-specific functionality to at least one of the plurality of call control protocol.

18. (Original): The method according to claim 11, wherein the at least one advanced function calls, properties, and callbacks beyond the common set is accessed using the base pluggable call control application program interface.

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19. (Original): The method according to claim 11, wherein the extended application program interface provides protocol specific information along with base defined callbacks.

20. (Currently amended): A communications system, comprising:  
a computer-readable medium; and  
computer-readable program code, stored on the computer-readable medium, adapted to be loaded and executed on an operating system of the communications system, the computer-readable program code performing,  
providing a common set of function calls, properties, and callbacks to be utilized by a plurality of call control protocols, wherein the call control protocols are Internet Protocol (IP) telephony call control protocols,  
providing at least one of advanced function calls, properties, and callbacks beyond the common set, and  
accessing the common set of function calls, properties, and callbacks to initiate a communication utilizing one of the plurality of call control protocols.

21. (Original): The communications system according to claim 20, wherein the computer-readable program code further performs:  
providing a reduced set of basic system functionality to interact with the common set of function calls, properties, and callbacks; and  
executing a software application on the communications system to access the common set of function calls, properties, and callbacks to initiate the communication utilizing one of the plurality of call control protocols.

22. (Original): The communications system according to claim 20, wherein the plurality of call control protocols include at least one of an International Telecommunication Union (ITU) H.323 protocol, a Session Initiation Protocol (SIP), and a Media Gateway Control Protocol (MGCP).

23. (Canceled)

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24. (Original): The communications system according to claim 20, wherein the computer-readable program code further performs providing with the at least one of advanced function calls, properties, and callbacks additional protocol-specific functionality to at least one of the plurality of call control protocols.

25. (Original): The communications system according to claim 20, wherein the communications system is a computer system.

26. (Original): The communications system according to claim 20, wherein the communications system is an embedded system.

a 27. (Original): The communications system according to claim 20, wherein the at least one advanced function calls, properties, and callbacks beyond the common set is accessed using the base plugable call control application program interface.

28. (Original): The communications system according to claim 20, wherein the extended application program interface provides protocol specific information along with base defined callbacks.

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**REMARKS**

**35 U.S.C. § 102 Rejection**

***Reisman (6,594,692)***

The Examiner rejected claims 1-4, 6, 8-14, 16-21, and 23-28 under 35 USC § 102(e) as being anticipated by the patent to Reisman (6,594,692).

Contrary to the Examiner's assertion, Reisman does not disclose that "*the call control protocols are Internet Protocol (IP) telephony call control protocols*" as recited in claims 6, 16, and 23. In fact, an electronic search the text of said patent to Reisman as downloaded from the USPTO website was performed, and the word "telephony" was not found to appear in Reisman. So it appears that Reisman in fact does not teach IP telephony call control protocols. Therefore, the invention as claimed in claims 6, 16, and 23 is not anticipated by Reisman, so the rejection should be withdrawn. It should be noted that this limitation of claims 6, 16, and 23 has been incorporated via amendment herein into respective independent claims 1, 11, and 20, so it is believed that as a result, none of claims 1-28 are anticipated by the patent to Reisman, so the rejection should be withdrawn.

**35 U.S.C. § 103 Rejection**

***Reisman (6,594,692) v. Sergio (6,195,680)***

***Reisman (6,594,692) v. Bergler (5,572,675)***

The Examiner rejected claims 5, 15, and 22 under 35 USC § 103(a) as being unpatentable over Reisman in view of the patent to Sergio (6,195,680). It should be noted that US Patent No. 6,195,680 should properly be referred to as the patent to Goldszmidt et al. since Sergio is actually the middle name of the first named inventor, German Sergio Goldszmidt. The Examiner further rejected claim 7 under 35 USC § 103(a) as being unpatentable over Reisman in view of the patent to Bergler (5,572,675).

It is believed that the § 103(a) rejections are moot in view of the fact that independent claims 1, 11, and 20 have been amended herein to include the limitations of respective dependent claims 6, 16, and 23, and further in view of the fact that the Examiner did not reject claims 6, 16, and 23 based on either of said patents to Goldszmidt or to Bergler. It is therefore believed that the rejection should be withdrawn.

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Appl. No.: 09/750,532

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**Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.


**Invitation for a Telephone Interview**

The Examiner is invited to call the undersigned attorney, Kenneth J. Cool, at (408) 850-1229 if there remains any issue with allowance.

Respectfully submitted,  
INTEL CORPORATION

Date:

6/8/04



Kenneth J. Cool  
Reg. No. 40,570

Kenneth J. Cool  
Blakely, Sokoloff, Taylor & Zafman, LLP  
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Los Angeles, California 90025-1026  
Tel: (408) 850-1229  
Fax: (720) 384-0753

Docket No.: P9889  
Appl. No.: 09/750,532

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/750,532
		Filing Date	December 28, 2000
		First Named Inventor	Stephen S. Ing
		Art Unit	2126
		Examiner Name	Hoang, Phuong N.
Total Number of Pages in This Submission	15	Attorney Docket Number	42390P9889

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Certificate of Facsimile</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>Brent E. Vecchia</i>
Date	JUNE 8, 2004

CERTIFICATE OF MAILING/TRANSMISSION	
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Typed or printed name	Krista Mathleson
Signature	<i>Krista Mathleson</i>
Date	June 8, 2004

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

# FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$) 1,330.00

## Complete if Known

Application Number	09/750,532
Filing Date	December 28, 2000
First Named Inventor	Stephen S. Ing
Examiner Name	Hoang, Phuong N.
Art Unit	2126
Attorney Docket No.	42390P9889

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 02-2666

Deposit Account Name Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES

Total Claims		20*	=		X		=	
Independent Claims		3	=		X		=	
Multiple Dependent								

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue Independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*or number previously paid, if greater. For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,620	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	1,330.00
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	60	1807	60	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 1,330.00

## SUBMITTED BY

Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature	<i>Brent E. Vecchia</i>	Date	JUNE 8 2004		

 Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ir) 02/10/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450